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May 12, 2023

Via overnight mail

David Vickery
5 Hamlin Street
Cape Elizabeth, ME 04107

Re: Civil complaint against you.

Mr. Vickery:

Please be advised that I have been retained by Robert F. Kennedy, Jr. to pursue civil claims against you arising from defamatory statements you made about Mr. Kennedy in 2020. I am sending you this letter before filing the attached draft complaint, to give you the opportunity to discuss a monetary settlement of Mr. Kennedy's claims against you, at this early stage of the litigation.

Should you wish to settle this matter prior to the filing of the attached draft complaint, you must contact me directly on or before May 22, 2023. If I do not hear from you by then, I will have the attached complaint filed and pursue all monetary damages and relief afforded by the law against you. Thank you for your time and attention.

Regards,



Robert E. Barnes, Esq.
BARNES LAW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT F. KENNEDY, JR., :
: :
Plaintiff : **COMPLAINT**
: :
-against- : **JURY TRIAL DEMANDED**
: :
DAVID VICKERY; and DOES 1 through 5, inclusive, :
: :
Defendants. :
: :
-----x

Plaintiff Robert F. Kennedy, Jr. (“Plaintiff” or “Mr. Kennedy”), by and through his undersigned attorneys, hereby complain against defendants DAVID VICKERY and DOES 1 through 5 (collectively, “Defendants”) as follows:

NATURE OF THE CASE

1. Mr. Kennedy is many things, including: the scion of a storied Democratic American family, an author, an environmentalist, an attorney, and an activist. But Mr. Kennedy is decidedly not a Nazi and does not affiliate with Nazis. Notwithstanding, Defendants published an article on the website *Daily Kos* in which they falsely claimed that Mr. Kennedy joined and spoke at a protest organized by neo-Nazis in Berlin. Defendants’ statements about Mr. Kennedy cavorting with Nazis are outrageous, false, and defamatory.

2. Defendants were well aware when they published these statements that they were not true. Indeed, the single source cited by Defendants, the German daily newspaper *Der Tagesspiegel*, contradicts the defamatory statements. Nonetheless, Defendants published the false and defamatory statements knowing they were false, and knowing the false and

inflammatory headline would serve as irresistible click-bait for readers curious to learn about Mr. Kennedy's purported association with Nazis.

3. Mr. Kennedy files this action to publicly establish the truth, to rehabilitate his name and reputation, and to seek appropriate remedies for the harm caused by Defendants' intentionally false statements.

PARTIES

4. Plaintiff Mr. Kennedy is, and at all times relevant hereto has been, a resident of Manhattan, New York.

5. Defendant David Vickery is, and at all times relevant hereto has been, a resident of Cape Elizabeth, Maine.

6. Mr. Kennedy is unaware of the true names and capacities of Defendants, whether individual, corporate, associate, or otherwise, named herein as Does 1 through 5 inclusive, and therefore sues said defendants by such fictitious names (the "Doe Defendants"). Mr. Kennedy will seek leave to amend this Complaint to state when their true names and capacities are ascertained.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, because the amount in controversy exceeds the statutory minimum and Mr. Kennedy alleges on information and belief that the parties are completely diverse.

8. Venue is proper under 28 U.S.C. § 1391(b)(2), in that a substantial portion of the events alleged herein occurred in this judicial district.

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FACTUAL ALLEGATIONS

9. On or about August 29, 2020, Defendants published an article under the pseudonym Downeast Dem on the website Daily Kos with false headline: “Anti-Vaxxer RFK JR. joins neo-Nazis in massive Berlin ‘Anti-Corona’ Protest” (the “Defamatory Article”). The Defamatory Article further states: “The protest was organized by right-wing extremist organizations - including the AfD party and various anti-Semitic conspiracy groups as well as the neo-Nazi NPD party. Among the speakers was Robert F. Kennedy Jr., who warned against the ‘totalitarianism’ of Angela Merkel.”

10. The foregoing statements are false. Mr. Kennedy did not “join[] neo-Nazis” at a protest in Berlin, nor did Mr. Kennedy speak at a “protest [] organized by right-wing extremist organizations, including the AfD party and various anti-Semitic conspiracy groups as well as the neo-Nazi NPD party.”

11. In truth, Mr. Kennedy gave a speech at a protest for peace and freedom in Berlin on August 29, 2020, initiated by the group Querdenken—a democratic movement whose name means “lateral thinking” and who vehemently oppose all forms of fascism and extremism. Querdenken took great pains to assure that extremists from every position were excluded from its protest in Berlin. The single source cited by Defendants in the Defamatory Article, the German daily newspaper *Der Tagesspiegel* confirms the success of Querdenken’s efforts and the falsity of Defendants’ statements, including:

- There were “several corona-related gatherings on this day,” organized by different groups—not one uniform demonstration;
- The various demonstrations took place at different times and in different places throughout Berlin-Tiergarten (an area that expands over two square miles);

- A person interviewed during one of the demonstrations said she had not seen any neo-Nazis in the crowd;
- Mr. Kennedy spoke at around 4 pm at the Brandenburg Gate and there were Hare Krishna supporters dancing in the audience;
- Around the time Mr. Kennedy was speaking, right-wing extremists gathered at a separate demonstration in front of the Reichstag.

12. Despite requests from Mr. Kennedy, Defendants have failed and refused to take down the Defamatory Article.

COUNT I

LIBEL

13. Mr. Kennedy realleges and incorporates by this reference Paragraphs 1 through 12 of this Complaint as though fully set forth therein.

14. The Defamatory Article is not privileged and is false and defamatory. Mr. Kennedy alleges on information and belief that the Defamatory Article was intended by Defendants to directly injure him with respect to his professional reputation, character, trade and business in New York and around the world.

15. The Defamatory Article is susceptible of a defamatory meaning on its face in that it has a direct tendency to injure Mr. Kennedy with respect to his reputation, character, trade and business.

16. Mr. Kennedy alleges on information and belief that at the time Defendants published the Defamatory Article, they knew that the Article was false or had no reasonable grounds for believing it to be true. Mr. Kennedy is informed and believes and based thereon alleges that the Defamatory Article was disseminated recklessly and with actual malice, with the

knowledge that it was false, or with a reckless disregard for the truth.

17. The Defamatory Article exposes Mr. Kennedy to hatred, contempt, ridicule and obloquy, and/or cause him to be shunned or avoided and has a tendency to injure him in his occupation in New York and around the world.

18. As a direct and proximate result of the above-described conduct by Defendants, Mr. Kennedy has suffered general and special damages in an amount not presently known to him but believed to be not less than the jurisdictional minimum of this Court, including damage to Mr. Kennedy's reputation and standing in the community, shame, mortification, hurt feelings, embarrassment, and humiliation.

19. Mr. Kennedy is informed and believes and based thereon alleges that the aforesaid acts of Defendants were done intentionally or with a conscious disregard of his rights, and with an intent to vex, injure or annoy him, such as to constitute oppression, fraud or malice, thus entitling him to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants and to deter such conduct in the future, which amount will be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Mr. Kennedy demands judgment against Defendants as follows:

1. On the First Count, for general, special, punitive, and exemplary damages from Defendants in an amount to be determined at the time of trial, but believed to be not less than the jurisdictional minimum of this Court, together with interest thereon at the maximum legal rate.
2. On the First Count, for recovery of costs in connection with this suit.
3. For such further and other relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial in this action on all issues and claims triable to a jury.

Dated: May 23, 2023

/s/ Robert E. Barnes, Esq.
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